

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MILAN C. STEWART,

Plaintiff,

v.

Case No. 20-cv-1840-bhl

JAY HOWARTH, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Milan Stewart is a prisoner confined at Green Bay Correctional Institution who is representing himself in this 42 U.S.C. §1983 case. On December 14, 2020, along with his complaint, Stewart filed a motion for leave to proceed without prepaying the filing fee. That same day, the clerk's office mailed Stewart a letter informing him that he had to return, within twenty-one days, a completed form regarding magistrate judge jurisdiction and a certified copy of his trust account statement for the six months preceding the filing of his complaint. Dkt. No. 4. The letter warned Stewart that, "Failure to comply with this requirement may result in the Court's dismissal of your case." *Id.* (emphasis in original).

On December 17, 2020, Stewart filed his completed magistrate judge jurisdiction form, Dkt. No. 5, but he has *not* filed a certified copy of his trust account statement. More than thirty days has passed since the clerk's office informed Stewart of his requirement to provide his trust account statement and warned him of the consequence for failing to do so. His failure to comply with that requirement warrants dismissal of his case. Accordingly, the Court will dismiss his case without prejudice, which means he can refile his case subject to the three-year statute of

limitations. If Stewart chooses to refile his complaint and seeks to proceed without prepaying the filing fee, he must file a certified copy of his trust account statement for the six-month period preceding the filing of his complaint.

Finally, the Court will deny Stewart's motion for a temporary restraining order, in which he asks to be transferred to a different institution while this case is pending. In light of the dismissal, Stewart's request is moot.

IT IS THEREFORE ORDERED that this case is **DISMISSED without prejudice** based on Stewart's failure to comply with the Court's filing requirements.

IT IS FURTHER ORDERED that Stewart's motion for a temporary restraining order (Dkt. No. 6) is **DENIED**.

Dated at Milwaukee, Wisconsin this 22nd day of January, 2021.

BY THE COURT:

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge